

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**In Re: CATHLEEN A. HELMERT**

**CHAPTER 13  
NO: 13-12792 JDW**

**MOTION TO MODIFY THE CHAPTER 13 PLAN**

COMES NOW, Debtor, CATHLEEN A. HELMERT, in the above styled and numbered cause, by and through undersigned counsel, and files this her Motion to Modify the Chapter 13 Plan respectfully showing unto the Court as follows:

1. This Court has jurisdiction over the parties and subject matter pursuant to 28 U.S.C. §1334, and this is a core proceeding pursuant to 28 U.S.C. §157.
2. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code in the Northern District of Mississippi on July 9, 2013, in the above styled and numbered proceeding.
3. Debtor is no longer able to afford her mortgage payments to JPMorgan Chase Bank and is looking for more affordable housing.
4. The Debtor proposes to modify her Chapter 13 Plan and submits that the provisions that are to be modified are set forth as follows:
  - a. The claim of JPMorgan Chase Bank for direct ongoing mortgage payments shall be deleted from the mortgage payments portion of the Plan.
  - b. The claim of JPMorgan Chase Bank for mortgage arrears should be deleted from the mortgage payment arrears portion of the Plan and the trustee should cease making payments to JPMorgan Chase Bank.
  - c. The claim of JPMorgan Chase Bank should be added to the Special Claimants portion of the plan with a provision to surrender the collateral.
  - d. Any unpaid deficiency balance after the sale of the house by JPMorgan Chase Bank, should be included in the total amount in the Unsecured Debts section of the plan and should to be treated as all other general unsecured claims.

5. The Chapter 13 Trustee shall make the necessary adjustments to the plan payment and wage order to comply with the terms of the modified plan.

WHEREFORE, Debtor prays that this Court will enter its Order modifying the Chapter 13 Plan which was confirmed on January 8, 2014 (Dk #45) and substituted plan sheet (Dk #49) consistent with the provisions set forth above. Debtor prays for such other, further and general relief to which she may be entitled.

Respectfully submitted,  
CATHLEEN A. HELMERT, Debtor

BY: /s/ Robert Gambrell  
ROBERT GAMBRELL; Attorney for  
Debtor; MSB #4409  
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CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served with a true and correct copy of the above Motion to Modify the Chapter 13 Plan via ECF by electronic delivery:

Henry G. Hobbs, Jr., Acting U. S. Trustee: USTPRegion05.JA.ECF@usdoj.gov  
Locke D. Barkley: sbearley@barkley13.com

This the 26<sup>th</sup> day of March, 2014.

/s/ Robert Gambrell  
ROBERT GAMBRELL